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OFFICE OF PETITIONS

In re Application of :
Lowrey et al. :
Application No. 10/799,265 : DECISION GRANTING PETITION
Filed: March 12, 2004 :
Attorney Docket No. 2024.46 :

This is a decision on the petition filed June 16, 2004, requesting that the above-identified application be accorded a filing date of March 12, 2004, with Figure 5B described in the specification as part of the original disclosure.

On March 12, 2004, applicants filed the above-identified application. On May 27, 2004, the Office mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of March 12, 2004, and advising applicants that Figure 5B appeared to have been omitted. Additionally, the Notice indicated that applicants must submit a new oath or declaration, which identifies the citizenship of each inventor.

In response, on June 16, 2004, applicants filed the present petition and a copy of applicants' postcard receipt, acknowledging receipt of 26 pages of drawings on March 12, 2004. Additionally, applicants submitted 1 sheet of drawings, including Figure 5B.

Upon review of the record, Figure 5B, deposited on March 12, 2004, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on March 12, 2004, included Figure 5B, which was subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including Figure 5B, was complete on filing and will be granted a filing date of March 12, 2004.

Accordingly, the petition is granted.

The requirement for the submission of omitted drawing Figure 5B was sent in error and is hereby vacated. Accordingly, the \$130.00 petition fee is unnecessary and will be credited to Deposit Account No. 05-1068.

Applicants are reminded that they must submit a new oath or declaration, which identifies the citizenship of each inventor within the time period set forth in the Notice of May 27, 2004, to avoid abandonment of the application.

The Office of Initial Patent Examination is directed to accord the above-identified application a filing date of March 12, 2004, using the 25 sheets of drawings submitted on March 12, 2004, and the 1 sheet of drawings (Figure 5B) submitted with the present petition as part of the original disclosure.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
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